

## CHAPTER Env-A 100 ORGANIZATIONAL RULES

Statutory Authority: RSA 125-C:4,I, RSA 125-D:3,II, and RSA 125-I:6

### PART Env-A 101 DEFINITIONS

**Repeal Env-A 101.04, Env-A 101.11, Env-A 101.21, and Env-A 101.25, effective 6-30-95 (Document #6057-A), as follows:**

~~Env A 101.04 "Acid rain compliance option" means one of the methods of compliance used by an acid rain affected unit as described in a compliance plan submitted and approved in accordance with Env A 406 Acid Deposition Program or title IV Acid Deposition Control of the Act.~~

~~Env A 101.11 "Adverse environmental effect" means any significant and widespread adverse effect, which may reasonably be anticipated to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradations of environmental quality over broad areas.~~

~~Env A 101.21 "Air quality control regions" means geographical regions established by the states for purposes of developing and carrying out implementation plans for air pollution control.~~

~~Env A 101.25 "Alternative Control Technology (ACT)" means a technology identified by the EPA for stationary sources emitting more than 25 tons per year of VOCs or NO<sub>x</sub>.~~

**Repeal Env-A 101.29, effective 4-1-97 (Document #6482-A), as follows:**

~~Env A 101.29 "Amended water" means water to which a chemical wetting agent has been added to improve penetration of asbestos containing material.~~

**Repeal Env-A 101.33, effective 3-5-97 (Document #6469-A), as follows:**

~~Env A 101.33 "Annual emissions" means "annual emissions" as defined by RSA 125 D:2, namely "the sulfur dioxide emissions from a major source in tons during any calendar year."~~

**Repeal Env-A 101.34, effective 6-30-95 (Document #6057-A), as follows:**

~~Env A 101.34 "Appliance" means any device containing and using Class I or Class II substances as listed in section 602 Listing of Class I and Class II Substances of the Act.~~

**Repeal Env-A 101.43 through Env-A 101.46, effective 3-5-97 (Document #6469-A), as follows:**

~~Env A 101.43 "Average annual emissions" means "average annual emissions" as defined by RSA 125 D:2, namely "the total sulfur dioxide emissions in tons per calendar year averaged over any consecutive four year period from a specified group of sources."~~

~~Env A 101.44 "Average emission rate" means "average emission rate" as defined by RSA 125 D:2 namely "the weighted average on a BTU input basis of the emission rates of a major source, all major sources under a single ownership, or some other specified group of major sources during any calendar year."~~

~~Env-A 101.45 "Baseline average emission rate" means "baseline average emission" rate as defined by RSA 125-D:2 namely "the weighted average on a BTU input basis of the emission rates of a specified group of major sources over the period 1979 through 1982."~~

~~Env-A 101.46 "Baseline emissions" means baseline emissions as defined by RSA 125-D:2, namely "the total sulfur dioxide emissions in tons per calendar year averaged over the period 1979 through 1982 from all major sources."~~

**Repeal Env-A 101.48 through Env-A 101.50 and Env-A 101.53, effective 3-28-98 (Document #6724-A), as follows:**

~~Env-A 101.48 "Black liquor" means the combination of spent cooking liquor and pulp wash water produced and concentrated in the kraft pulping process.~~

~~Env-A 101.49 "Black liquor oxidation system" means the vessels used to oxidize, with air or oxygen, the black liquor, and associated storage tank(s).~~

~~Env-A 101.50 "Black liquor solids" means the dry weight of the solids which enter the recovery furnace in the black liquor.~~

~~Env-A 101.53 "Brown stock washer system" means washers and associated knotters, vacuum pumps, and filtrate tanks used to wash the pulp following the digester system.~~

**Repeal Env-A 101.55, Env-A 101.71, Env-A 101.73, Env-A 101.86, and Env-A 101.88, effective 6-30-95 (Document #6057-A), as follows:**

~~Env-A 101.55 "Bubble concept" means an activity in which two or more sources, processes or process equipment exchange increases of emissions for compensating reductions of emissions, resulting in equivalent or reduced emissions as compared to the emissions that would result if the applicable emission standards or limits were applied separately to each source, process or process equipment.~~

~~Env-A 101.71 "Cleaning solvent" means those volatile organic compounds used in the liquid or vapor form for the removal of soils from fibrous, non-fibrous, woven, non-woven, metallic, and non-metallic articles, materials or surfaces.~~

~~Env-A 101.73 "COH" means the coefficient of haze.~~

~~Env-A 101.86 "Control Technique Guideline (CTG)" means a technology assessment prepared and published by the Administrator under section 108 [of the Act] which is used as guidance for advising states of controls to be required to establish BACT in non-attainment areas.~~

~~Env-A 101.88 "Council's clerk" means the person designated by the commissioner of the department pursuant to RSA 21-0:3, VIII to serve as clerical support staff to the council.~~

**Readopt with amendment and renumber Env-A 101.90, effective 5-8-98 (Document #6739-A), as Env-A 101.66 to read as follows:**

Env-A 101.66 "De minimis emission level" means an uncontrolled emission rate that is in compliance with an associated ambient air limit.

**Amend Env-A 101.93 intro. and (a) and renumber Env-A 101.93, effective 6-30-95 (Document #6057-A), as Env-A 101.69 cited and to read as follows:**

Env-A 101.69 "Designated representative" means any of the following:

- (a) "Responsible official" as defined in this part;

**Repeal Env-A 101.97, effective 3-28-98 (Document #6724-A), as follows:**

~~Env-A 101.97 "Digester system" means each continuous digester or each batch digester used for the cooking of wood in white liquor, and associated flash tank(s), blow tank(s), chip steaming vessel(s), and condenser(s).~~

**Repeal Env-A 101.98, effective 9-28-96 (Document #6342-A), as follows:**

~~Env-A 101.98 "Direct replacement" means an equivalent device which:~~

- ~~(a) Is installed in the same location and uses identical stack parameters as the previously removed device; and~~
- ~~(b) Does not qualify as a modification.~~

**Repeal Env-A 101.102, effective 1-18-97 (Document #6428-A), as follows:**

~~Env-A 101.102 "Effects factor" means a multiplier used to adjust particulate matter emission standards based on the relative toxicity of an element or compound.~~

**Readopt with amendment and renumber Env-A 101.106, effective 6-30-95 (Document #6057-A), as Env-A 101.79 to read as follows:**

Env-A 101.79 "Emissions allowable under the permit" means "emissions allowable under the permit" as defined in 40 CFR 70.2, namely "a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject."

**Repeal Env-A 101.109, effective 3-5-97 (Document #6469-A), as follows:**

~~Env-A 101.109 "Emission rate" means emission rate as defined by RSA 125-D:2, namely "the pounds of sulfur dioxide emitted per million BTU input."~~

**Repeal Env-A 101.116, Env-A 101.117, and Env-A 101.119, effective 6-30-95 (Document #6057-A), as follows:**

~~Env-A 101.116 "Exhaust and ventilation system" means any system which removes and transports particulate matter, fumes, or any gaseous or gas borne products from their point of generation to the ambient air.~~

~~Env-A 101.117 "Exhaust emission" means air pollutants emitted to the ambient air from any opening, downstream from the exhaust manifold of a motor vehicle engine.~~

~~Env-A 101.119 "Expediently as practicable" means the minimum amount of time granted to a source for the purposes of attaining compliance, as computed by the division by considering the amount of time estimated for the source to undertake the requested or ordered engineering, design, ordering, contracting,~~

~~installation, or start-up of control equipment or process changes, for the source's special individual problems such as with the location and operation of such equipment or changes, and for the source's economic hardship issues.~~

**Readopt with amendments and renumber Env-A 101.120, effective 4-1-97 (Document #6482-A), as Env-A 101.89 to read as follows:**

Env-A 101.89 "Facility" means, for the purpose of RSA 125-I and RSA 125-C, a stationary source.

**Repeal Env-A 101.121 and Env-A 101.128, effective 6-30-95 (Document #6057-A), as follows:**

~~Env A 101.121 "Federal fiscal year" means the calendar year beginning October 1 and ending September 30.~~

~~Env A 101.128 "Fly ash" means any solid carried in the gas stream being emitted from a flue or stack.~~

**Repeal Env-A 101.130, effective 4-1-97 (Document #6482-A), as follows:**

~~Env A 101.130 "Friable asbestos material" means friable asbestos material as defined in RSA 141-E:2,VIII, namely "any material that contains more than one percent of asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry by hand pressure."~~

**Repeal Env-A 101.140 and Env-A 101.153, effective 6-30-95 (Document #6057-A), as follows:**

~~Env A 101.140 "Geometric mean" means the Nth (number) root of the product of N factors.~~

~~Env A 101.153 "Indirect source" means any facility, building, structure, or combination thereof, which causes or may cause mobile source activity that results in emissions of a pollutant for which there is a state and/or federal standard, including but not limited to:~~

- ~~(a) Highways and roads;~~
- ~~(b) Parking lots and garages;~~
- ~~(c) Shopping centers;~~
- ~~(d) Recreational centers;~~
- ~~(e) Amusement parks and sports stadiums;~~
- ~~(f) Airports;~~
- ~~(g) Municipal, commercial, industrial, or residential developments; and~~
- ~~(h) Associated parking areas.~~

**Repeal Env-A 101.158, effective 3-28-98 (Document #6724-A), as follows:**

~~Env A 101.158 "Kraft recovery furnace" means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor, including the direct contact evaporator for a direct contact furnace.~~

**Repeal Env-A 101.172, effective 3-5-97 (Document #6469-A), as follows:**

~~Env-A 101.172 "Maximum total heat input capacity" means maximum total heat input capacity as defined by RSA 125 D:2, namely "the designed gross heat input capacity of a major source in millions of BTU per hour.~~

**Repeal Env-A 101.179 and Env-A 101.184, effective 3-28-98 (Document #6724-A), as follows:**

~~Env-A 101.179 "Multiple effect evaporator system" means the series of process vessels including the associated condenser(s) and hotwell(s) used to concentrate the spent cooking liquid, or black liquor, that is separated from the pulp.~~

~~Env-A 101.184 "New design kraft recovery furnace" means a furnace with membrane wall or welded wall construction.~~

**Repeal Env-A 101.188, effective 6-30-95 (Document #6057-A), as follows:**

~~Env-A 101.188 "Nitric acid production unit" means any facility producing weak nitric acid, between 30% and 70% in strength, by either pressure or atmospheric pressure process.~~

**Readopt with amendment and renumber Env-A 101.195, effective 6-30-95 (Document #6057-A), as Env-A 101.152 to read as follows:**

Env-A 101.152 "Off-permit change" means a change that is not addressed or prohibited by a title V operating permit.

**Repeal Env-A 101.197, effective 3-28-98 (Document #6724-A), as follows:**

~~Env-A 101.197 "Old design kraft recovery furnace" means a furnace without membrane wall or welded wall construction.~~

**Repeal Env-A 101.202 and Env-A 101.215, effective 1-18-97 (Document #6428-A), as follows:**

~~Env-A 101.202 "Paper manufacturing facility" means a facility which produces paper, a production segment of the pulp and paper industry, and which does not manufacture pulp. This type of facility produces all types of papers, including fine, coarse and specialty papers.~~

~~Env-A 101.215 "Process, manufacturing and service based industry" means any source whose operations involve emissions to the ambient air and which is engaged in either the manufacturing of goods and supplies, or the supplying of services.~~

**Repeal Env-A 101.234, effective 6-30-95 (Document #6057-A), as follows:**

~~Env-A 101.234 "Residual Risk Standards" mean new hazardous air pollutant standards under section 112 of the Act which are to be set after a particular category of source has followed MACT standards for 8 to 9 years.~~

**Readopt with amendments and renumber Env-A 101.235, effective 6-30-95 (Document #6057-A), as Env-A 101.186 to read as follows:**

Env-A 101.186 "Responsible official" means "responsible official" as defined in 40 CFR 70.2, namely, "one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

- (1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
- (2) The delegation of authority to such representatives is approved in advance by the permitting authority;

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part [definition], a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(d) For affected sources:

- (1) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated thereunder are concerned; and
- (2) The designated representative for any other purposes under [40 CFR] part 70."

**Repeal Env-A 101.237, Env-A 101.247, and Env-A 101.248, effective 6-30-95 (Document #6057-A), as follows:**

~~Env A 101.237 "Ringelmann Smoke Chart" means a chart published and described in the U.S. Department of Interior, Bureau of Mines, Information Circular 8333, and on which are illustrated graduated shades of grey to black for use in estimating the light obscuring capacity of smoke.~~

~~Env A 101.247 "Significant modification" means any change in the physical or operational characteristics of a source or device and which does not qualify as a minor modification. In accordance with 40 CFR 70.7(e)(4), this includes but is not limited to, a non-minor change in existing monitoring permit terms or conditions or any relaxation of reporting or recordkeeping permit terms or conditions.~~

~~Env A 101.248 "Significant permit amendment" means "significant modification" as used in 40 CFR 70.7(e), namely a revision to a permit which does not qualify as either an administrative permit amendment or a minor permit amendment.~~

**Repeal Env-A 101.250, effective 3-28-98 (Document #6724-A), as follows:**

~~Env A 101.250 "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the recovery furnace.~~

**Repeal Env-A 101.267 and Env-A 101.270, effective 6-30-95 (Document #6057-A), as follows:**

~~Env-A 101.267 "Sulfite mill" means a place where a pulping process uses as a cooking liquor an acidic solution containing sulfurous acid and bisulfite of an alkaline base, such as calcium, sodium, ammonium or magnesium.~~

~~Env-A 101.270 "Sulfuric acid production unit" means any source producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides, mercaptans, or acid sludge. The term does not include sources where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the ambient air of sulfur dioxide or other sulfur compounds.~~

**Repeal Env-A 101.296, effective 6-30-95 (Document #6057-A), as follows:**

~~Env-A 101.296 "Utility Unit" a unit serving a generator (or that served a generator in 1985) in any state that produces electricity for sale.~~

**Repeal Env-A 101.301, effective 4-1-97 (Document #6482-A), as follows:**

~~Env-A 101.301 "Wet methods" means the use of amended water to control fiber release from ACM.~~

**Readopt with amendment and renumber Env-A 101.304, effective 12-27-90 (Document #5033), as Env-A 101.242 to read as follows:**

Env-A 101.242 "Wood waste burner" means any device such as burners used to dispose of wood waste by burning, and which are commonly known as teepees, wigwams, truncated cones or silos.

**Renumber existing rules in Env-A 101 as follows:**

**Existing Rule**

Env-A 101.05 – 101.10  
 Env-A 101.12 – 101.20  
 Env-A 101.22 – 101.24  
 Env-A 101.26 – 101.28  
 Env-A 101.30 – 101.32  
 Env-A 101.35 – 101.42  
 Env-A 101.47  
 Env-A 101.51 – 101.52  
 Env-A 101.56  
 Env-A 101.58 – 101.70  
 Env-A 101.72  
 Env-A 101.75 – 101.77  
 Env-A 101.79 – 101.85  
 Env-A 101.87  
 Env-A 101.89 – 101.96  
 Env-A 101.99 – 101.101  
 Env-A 101.103 – 101.108  
 Env-A 101.110 - 101.115  
 Env-A 101.118  
 Env-A 101.120  
 Env-A 101.122 – 101.127  
 Env-A 101.129  
 Env-A 101.131 – 101.139  
 Env-A 101.141 – 101.152

**Renumbered Rule**

Env-A 101.04 – 101.09  
 Env-A 101.10 – 101.18  
 Env-A 101.19 – 101.21  
 Env-A 101.22 – 101.24  
 Env-A 101.25 – 101.27  
 Env-A 101.28 – 101.35  
 Env-A 101.36  
 Env-A 101.37 – 101.38  
 Env-A 101.39  
 Env-A 101.40 – 101.52  
 Env-A 101.53  
 Env-A 101.54 – 101.56  
 Env-A 101.57 – 101.63  
 Env-A 101.64  
 Env-A 101.65 – 101.72  
 Env-A 101.73 – 101.75  
 Env-A 101.76 – 101.81  
 Env-A 101.82 – 101.87  
 Env-A 101.88  
 Env-A 101.89  
 Env-A 101.90 – 101.95  
 Env-A 101.96  
 Env-A 101.97 – 101.105  
 Env-A 101.106 – 101.117

**Existing Rule**

Env-A 101.154 – 101.157  
Env-A 101.159 – 101.171  
Env-A 101.173 – 101.178  
Env-A 101.182 - 101.183  
Env-A 101.185 – 101.187  
Env-A 101.189 - 101.195  
Env-A 101.198  
Env-A 101.200 – 101.201  
Env-A 101.203 – 101.214  
Env-A 101.216 - 101.233  
Env-A 101.235 – 101.236  
Env-A 101.239 – 101.246  
Env-A 101.249  
Env-A 101.251 – 101.266  
Env-A 101.268 – 101.269  
Env-A 101.272 – 101.275  
Env-A 101.277  
Env-A 101.279 – 101.281  
Env-A 101.283 – 101.295  
Env-A 101.297 – 101.300  
Env-A 101.302 – 101.305

**Renumbered Rule**

Env-A 101.118 – 101.121  
Env-A 101.122 – 101.134  
Env-A 101.135 – 101.140  
Env-A 101.141 – 101.142  
Env-A 101.143 – 101.145  
Env-A 101.146 – 101.152  
Env-A 101.153  
Env-A 101.154 – 101.155  
Env-A 101.156 – 101.167  
Env-A 101.168 - 101.185  
Env-A 101.186 – 101.187  
Env-A 101.188 – 101.195  
Env-A 101.196  
Env-A 101.197- 101.212  
Env-A 101.213 – 101.214  
Env-A 101.215 – 101.218  
Env-A 101.219  
Env-A 101.220 – 101.222  
Env-A 101.223 – 101.235  
Env-A 101.236 – 101.239  
Env-A 101.240 – 101.243